

## Randolph County Commissioner Meeting Minutes

October 4, 2004

The Randolph County Board of Commissioners met in regular session at 4:00 p.m. in the Commissioners Meeting Room, County Office Building, 725 McDowell Road, Asheboro, NC. Commissioners Holmes, Kemp, Frye, Davis, and Mason were present. Rev. Mark Key, Central United Methodist Church, gave the invocation, and everyone recited the Pledge of Allegiance.

### Addition to Agenda

Chairman Holmes added Item *N. Award Bid For Parking Lot Re-sealing* to the New Business section of the agenda.

### Consent Agenda

*On motion of Frye, seconded by Mason, the Board unanimously approved the Consent Agenda, as presented:*

- *approve minutes of the 9/7/04 regular meeting;*
- *reappoint Bhupen Patal and appoint George Gusler and Larry Warlick to Tourism Development Authority;*
- *reappoint Bill Allred to Adult Care Home Advisory Committee;*
- *reappoint Joe Taylor to Nursing Home Advisory Committee;*
- *reappoint Frank Willis, Alice Dawson, Jane Leonard to Randolph County Public Facilities Corporation;*
- *appoint Robert Cox to Juvenile Crime Prevention Council;*
- *make the following Firemen's Relief Fund appointments: Amos Needham, J.C. Loflin, Jr.—Coleridge; Jimmy Pell, Donald Clapp—East Side; Roger King, Steven Hughes—Farmer; Kyle Dixon, Gene Frazier—Franklinville; Tony Turner, Mike Bradshaw—Guil-Rand; David Davis, H. Kenneth Adams—Level Cross; Larry D. Williams, William H. Flowe, Jr.—Liberty; Darrell Voncannon, Jack McKenzie—Seagrove Rural; Donald Allred, Edwin Beeson—Sophia; Troy Powell, Wiley Hurley—New Hope; Yancy King, Terry Williams—Staley; Darrell Owenby, Jesse Wilson—Tabernacle; J.C. Leonard, Melissa Blalock—City of Randleman; Alvin Dorsett, Ted Scott—Ulah; Brian Hedgpeth, Derrick Lyndon—Westside*
- *adopt National 4-H Week Proclamation, as follows:*

*WHEREAS, 4-H is a community of young people across America who are learning leadership, citizenship and life skills; and*

*WHEREAS, 4-H in North Carolina claims 195,000 youth members and 30,000 adult volunteers, while Randolph County's 4-H program numbers over 3500 members and over 300 volunteers; and*

*WHEREAS, 4-H as part of North Carolina Cooperative Extension is a program where youth learn together in all kinds of projects, events, and activities; and*

*WHEREAS, 4-H Online! is the theme of National 4-H Week; and*

*WHEREAS, 93 percent of young people ages 10-18 are actively online and want to find the information they need from online sources; and*

*WHEREAS, 4-H recognizes this trend and is at the forefront of youth development organizations using the Internet; and*

*WHEREAS, 4-H's latest online launch is the redesigned 4-HUSA.org, a website for, by and about youth; and*

*WHEREAS, the 4-HUSA Web crew, a group of 14 teens from across the United States, created 4-HUSA.org as a site that focuses on youth ages 13-16 and demonstrates the size, diversity and value of the 4-H adventure.*

*NOW, THEREFORE, the Randolph County Board of Commissioners do hereby proclaim October 3-9, 2004, as National 4-H Week in Randolph County and urge the people of this community to take advantage of the opportunity to become more aware of 4-HUSA.org and Randolph 4-H's online presence at [www.ces.ncsu.edu/randolph/4hprogram/index.html](http://www.ces.ncsu.edu/randolph/4hprogram/index.html)*

#### **Appointment of New Cooperative Extension Director**

Bob Edwards, Northwest District Cooperative Extension Director, presented Mrs. Carolyn Langley as the new Randolph County Cooperative Extension Director. Since this position is a joint appointment with the County, the County Commissioners must also approve Mrs. Langley's appointment.

*On motion of Mason, seconded by Frye, the Board unanimously approved the appointment of Carolyn Langley as Randolph County Cooperative Extension Director.*

#### **City of Archdale's Request for Resolution of Support to Allow 2-mile Extension of Zoning Jurisdiction**

Mayor Bert Lance Stone asked the Board for approval and for a resolution of support in the process of granting an additional 1-mile extension to Archdale's extraterritorial zoning jurisdiction (ETJ) beyond the 1-mile extension already in place, making the total ETJ 2 miles. N.C.G.S. 160A-360 states that a municipality must have a population of at least 10,000 before the municipality can extend its jurisdiction to 2 miles. Currently, Archdale's population is approximately 9,300. And, because the County already has zoning in place in the requested extension area, the City must secure the County's approval by obtaining a resolution of support from the County prior to Archdale's seeking special legislation that would exempt them from the population requirement, allowing them to proceed with their extension plans. Once the County's approval is secured, the City must notify the owners of all parcels of land proposed for addition and hold a public hearing on the matter. County Attorney Alan Pugh advised the Board that they should not grant approval of the extension prior to the special legislation being approved. He recommended that the Board send a letter of support stating that this Board has no objection to Archdale seeking the special legislation for the ETJ extension. Following approval of the special legislation and after a public hearing is held this Board may consider the matter again.

*On motion of Frye, seconded by Mason, the Board voted unanimously to direct the County Attorney to draft a letter from the Board stating that the Randolph County Board of Commissioners has no objection to Archdale seeking special enabling legislation to extend Archdale's ETJ to 2 miles.*

#### **Citizen Concern**

Chairman Holmes announced that he had been contacted by Eric Black, who wished to address the Board about a problem. Chairman Holmes gave Mr. Black an opportunity to speak; however, Mr. Black was not in attendance at this time.

#### **Approve Work First Plan for FY2005-07**

Martha Sheriff, Social Services Director, told the Board that the Work First Planning Committee had met and developed the proposed Work First Plan for FY 2005-2007 with only minor changes to the previous plan.

*On motion of Mason, seconded by Frye, the Board voted unanimously to approve the Work First Plan for FY 2005-2007, as presented.*

### **Annual Report of the Child Fatality Prevention/Community Child Protection Team**

MiMi Cooper, Public Health Director, gave an annual report of the Combined Child Fatality Prevention Team and Community Child Protection Team in accordance with NCGS 143-576.1(a)(2). The purpose of this team is to review child deaths and make recommendations for systems improvements that may help prevent child fatalities in Randolph County. She stated that the teams reviewed 22 child deaths during the past year (July, 2003 – June, 2004). The Child Fatality Prevention Team did two intensive reviews that highlighted ways the review team could improve communication between agencies involved with children. Recommendations were released as part of the results of the intensive review. The Community Child Protection Team reviewed 7 total cases. A number of recommendations were made as a result of these reviews.

### **Amendment of Animal Control Ordinance**

MiMi Cooper recommended changes in the Animal Control Ordinance concerning increases for some of the animal control fees. The Randolph County Board of Health has already approved these changes.

*On motion of Davis, seconded by Kemp, the Board voted unanimously to approve the following changes in animal control fees and amended the Animal Control Ordinance to reflect those changes, effective November 1, 2004:*

- *Increase adoption fees from \$5.00 per dog or cat to \$15.00.*
- *Increase board fees from \$5.00 per day to \$7.00 per day.*
- *Add a fee for euthanasia for animals surrendered to the county for euthanasia by their owner. Cost of this service is requested to be \$10.00 per animal.*
- *Increase the animal quarantine fee for rabies observation from \$50.00 to \$70.00.*
- *Add a fee for intentional damage or neglect to a borrowed animal trap for up to \$250 per dog trap and \$75 per cat trap.*
- *Increase the fine for allowing a dangerous dog to run at large from \$100 to \$250 for the 1<sup>st</sup> violation, \$500 for the 2<sup>nd</sup> violation and \$1000 for the 3<sup>rd</sup> violation.*
- *Add a reclaim fee for the second and subsequent times an animal must be picked up at the shelter beginning with \$10 and increasing to \$50.*
- *Add a fine for interference with an Animal Control Officer while performing their duties with a 1<sup>st</sup> violation of \$250, 2<sup>nd</sup> violation of \$500 and a 3<sup>rd</sup> violation of \$1000.*

### **Budget Amendment—Health Department**

MiMi Cooper said that Health Department had received \$13,358 from the Division of Public Health for the Family Planning Program. These funds will be used to purchase additional family planning medical supplies.

*On motion of Frye, seconded by Davis, the Board voted unanimously to approve Budget Amendment #9, as follows:*

<b>GENERAL FUND - #9</b>		
<b>Revenues</b>	<b>Increase</b>	<b>Decrease</b>
<i>Restricted Intergovernmental</i>	<i>\$13,358</i>	
<b>Appropriations</b>	<b>Increase</b>	
<i>Public Health</i>	<i>\$13,358</i>	

**Public Hearing on Closing of Portions of Hedgecock Road & Coltrane Mill Road; Adoption of Order**

At 5:00 p.m. the Board adjourned to a duly advertised public hearing concerning a request from the Piedmont Triad Regional Water Authority to permanently close portions of Hedgecock Road & Coltrane Mill Road.

Chairman Holmes opened the public hearing, and hearing no comments, closed the public hearing.

*On motion of Davis, seconded by Kemp, the Board voted unanimously to adopt the following order closing portions of Hedgecock Road & Coltrane Mill Road:*

*WHEREAS, the Randolph County Board of Commissioners received a request from the Piedmont Triad Regional Water Authority to permanently close the following section of Hedgecock Road:*

*From its intersection with Coltrane Mill Road in an easterly direction for approximately 650 feet where it terminates with the Piedmont Triad Regional Water Authority property (Randleman Lake buffer); and*

*WHEREAS, the Randolph County Board of Commissioners received a request from the Piedmont Triad Regional Water Authority to permanently close the following section of Coltrane Mill Road:*

*From its intersection with Cedar Square Road in a northeasterly direction for approximately 3,599 feet where it terminates with Coltrane Mill Road (at Station 50+00 as shown on the Piedmont Triad Regional Water Authority Randleman Dam Roadway Relocations and Bridge Replacements Plan); and*

*WHEREAS, on September 7, 2004, the Randolph County Board of Commissioners adopted a resolution declaring its intent to close said streets or easements and set a public hearing on the issue for October 4, 2002, all in accordance with North Carolina General Statute §153A-241; and*

*WHEREAS, on September 22, 2004, notices of the closings and public hearing were prominently posted in two places along each road; and*

*WHEREAS, notice of the public hearing set by the Randolph County Board of Commissioners on September 7, 2004 was published once a week for three successive weeks before the hearing (on September 13, 20, and 27); and*

*WHEREAS, the Randolph County Board of Commissioners has determined through the public hearing that the closing of the aforesaid streets is not contrary to the public interest and that no individual owning property in the vicinities of said streets would be deprived of reasonable means of ingress and egress to his property;*

*NOW THEREFORE, BE IT ORDERED by the Randolph County Board of Commissioners the above-referenced portion of Hedgecock Road and the above-referenced portion of Coltrane Mill Road be permanently closed and that all right, title, and interest in their respective rights-of-way is vested in those persons owning lots or parcels of land adjacent to the streets or easements.*

*BE IT FURTHER ORDERED that a certified copy of this Order shall be filed in the Register of Deeds Office.*

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*Commissioner Davis left the meeting briefly. He returned where so noted in these minutes.*

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**Award Bid for Election Equipment for Help America Vote Act Grant; Budget Amendment**

Will Massie, Deputy Finance Officer, said that Randolph County has received a \$34,829 grant through the Help America Vote Act (HAVA). The grant will be used to make all polling places accessible to voters with the full range of disabilities listed in the Act. After reviewing the needs at

each of our polling sites, the County plans to purchase ballot call devices (to allow disabled citizens to ring for a registrar's assistance from curbside), various types of ramps, and access mats (to cover gravel or grass). only two vendors were located who provide the above items: Print Elect out of Fayetteville and New Bern, and Inclusion Solutions in Chicago. The bids are as follows:

	<b>Quantity</b>	<b>Print Elect</b>	<b>Inclusion Solutions</b>
Ballot Call	41	\$ 20,295.00	\$ 20,459.00
2' Portable Ramp	1	173.00	135.00
2' Threshold Ramp	2	196.00	170.00
Access-Mat	8	13,200.00	13,592.00
<b>Total</b>		\$ 33,864.00	\$ 34,356.00

Mr. Massie asked the Board to award the bid for HAVA materials to Print Elect for \$33,864.00.

*On motion of Kemp, seconded by Mason, the Board voted unanimously (4-0—Davis absent) to award the bid for election equipment for the Help America Vote Act grant to Print Elect for \$33,864.*

*On motion of Frye, seconded by Kemp, the Board voted unanimously (4-0—Davis absent) to approve Budget Amendment #10, as follows:*

<b>GENERAL FUND - #10</b>		
<b>Revenues</b>	<b>Increase</b>	<b>Decrease</b>
<i>Restricted Intergovernmental</i>	\$34,829	
<b>Appropriations</b>	<b>Increase</b>	
<i>Elections</i>	\$34,829	

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*Commissioner Davis returned to the meeting.*

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#### **Award Bid for Parking Lot Re-Sealing**

Bill McDaniel, Maintenance Supervisor, said that pursuant to N.C.G.S. 143-131, an informal bid process was conducted to repair, re-seal and re-stripe 4 parking lots and driveway areas: Randolph County Office Building, Department of Social Services, Ira McDowell Center and the drive from Ira McDowell Center to S. Fayetteville St. Requests for proposals were sent to three vendors; however, only Rite Way Pavement Company responded with a bid of \$30,772

*On motion of Frye, seconded by Davis, the Board voted unanimously to award the bid for repairing, re-sealing and re-striping the lots at the County Office Building, Social Services, Ira McDowell Center, and the drive from Ira McDowell to S. Fayetteville St. to Rite Way Pavement Company for \$30,772.*

#### **Approve Mandatory Payroll Direct Deposit for County Employees**

Kim Newsom, Personnel Director, asked the Board to consider making direct deposit of payroll checks mandatory for all County employees. Currently, more than 85% of all payroll payments are made by direct deposit to the financial institution of the employee's choice. There would be a cost savings in Finance due to fewer checks being written and security issues would be reduced. Also, the Technical Advisory Committee has recommended this change.

*On motion of Kemp, seconded by Frye, the Board voted unanimously to make direct deposit of payroll checks mandatory for all County employees effective, January 1, 2005.*

#### **Select Architect for Seagrove Library Project**

Richard Wells, Library Director, recommended to the Board that Dean L. Spinks be contracted as the architect for the Seagrove Public Library Project for a fixed fee of \$40,000. The Seagrove Library Board of Trustees voted unanimously for his recommendation. Mr. Spinks' familiarity with the plans and the construction of the original Archdale Library would be a great asset in the construction of the Seagrove Library. And, his fee is substantially lower than standard for a project of this size. Aimee Scotton, Associate County Attorney, has researched G.S.143-64.32(b), which is the General Statute that governs written exemptions of particular contracts pertaining to engineering, architectural and surveying services. In this statute, a local government may exempt particular projects from the provision of the article due to special circumstances. Since Mr. Spinks has offered to donate the architectural plans to the County for this project this qualifies as a special circumstance; therefore, the normal procurement procedures are not required.

*On motion of Mason, seconded by Frye, the Board voted unanimously to select Dean L. Spinks as the architect for the Seagrove Library project for a fixed fee of \$40,000 and authorized the County Manager to sign the contract after it has been reviewed by our attorney.*

#### **Adopt Resolution Supporting Amendment One: Self-Financing Bonds**

*On motion of Frye, seconded by Kemp, the Board voted unanimously to adopt a resolution supporting Amendment One: Self Financing Bonds, as follows:*

***WHEREAS***, Randolph County has a need to attract more jobs and economic development; and

***WHEREAS***, self-financing development bonds will have a direct impact on creating new jobs, new investment, and strengthening the tax base in our state; and

***WHEREAS***, communities across the nation have used these bonds successfully to promote economic development; and

***WHEREAS***, the use of these bonds will make a difference for every community – urban, suburban and rural; and

***WHEREAS***, these bonds will give local governments flexibility to pursue multiple types of economic development projects including industrial site development, redevelopment of existing industrial and Brownfield sites, affordable housing and community revitalization; and

***WHEREAS***, these bonds allow North Carolina's local governments to use a new mechanism to invest in public improvements designed to attract private sector investment; and

***WHEREAS***, North Carolina is only one of two states in the nation that do not have this economic development tool; and

***WHEREAS***, self-financing development bonds have received wide-range bi-partisan support from the General Assembly and the business community, as well as municipal, county and state government and Governors Holshouser, Martin and Hunt; and

***WHEREAS***, North Carolina will have some of the strongest safeguards in the country to ensure self-financing bonds are used for good purposes; and

***WHEREAS***, these bonds are subject to voter approval on the November 2004 ballot and deserve rightful consideration by the citizens of the State; and

***NOW, THEREFORE, BE IT RESOLVED THAT*** Randolph County strongly supports self-financing development bonds because now is the time to enhance our ability to create new jobs and investment in our community/county.

***BE IT FURTHER RESOLVED*** that Randolph County pledges to work to educate and inform the citizens of our state and community about the importance of self-financing development bonds in providing

*jobs and improving the economic competitiveness, and pledges to encourage voters to approve the measure in November 2004.*

### **Public Hearing & Action to Rename Portion of Old Walker Mill Road Extension**

Hal Johnson told the Board that as a result of road closures due to the construction of the Randleman Lake, a portion of SR 1961, Old Walker Mill Road Extension, needed to be renamed. The section to be renamed is from the intersection of SR 1939 (Old Walker Mill Rd) and SR 1961 (Old Walker Mill Rd. Extension) to the approximate intersection of SR 1961 (Old Walker Mill Road Extension) and SR 1962 (Walker Meadows Road), which is an approximate distance of 0.80 mile. The Planning Board reviewed this request for road name change on September 14, 2004 and recommended unanimously that the road name be changed to Luther Small Road.

At 5:35 p.m., Chairman Holmes opened the public hearing.

**L. J. Small** asked that the road be renamed to Jesse Small Road.

**Bonnie Brown** asked the Board not to change the road name due to the hassle and expense of having to change her address on all her personal information and records. She said that she was disabled and on a fixed income.

**Hal Johnson** said that there was already a problem with the mail delivery due to one road being Old Walker Mill Road and another close by being Old Walker Mill Road Ext.

Chairman Holmes closed the public hearing.

*On motion of Davis, seconded by Kemp, the Board voted unanimously to rename a portion of Old Walker Mill Road to Jesse Small Road.*

### **Adopt Declaration of Official Intent to Reimburse Expenditures**

County Manager Frank Willis said that in anticipation of the capital projects financing in the coming months a resolution of official intent to reimburse expenditures needed to be adopted.

*On motion of Frye, seconded by Davis, the Board voted unanimously to adopt the following Declaration of Official Intent to Reimburse Expenditures:*

*BE IT RESOLVED by the Board of Commissioners of the County of Randolph, North Carolina (the "Issuer") that the Declaration of Official Intent to Reimburse Expenditures attached hereto as Exhibit A be, and hereby is, approved.*

### **EXHIBIT A--DECLARATION OF OFFICIAL INTENT TO REIMBURSE EXPENDITURES**

*1. This declaration of official intent is made pursuant to Treasury Regulations Section 1.150-2, or any successor or substitute Regulations which may be promulgated hereafter, to expressly declare the Issuer's intention to reimburse itself for certain expenditures heretofore paid or to be paid by the Issuer, such reimbursement to be made with the proceeds of debt to be incurred by the Issuer.*

*2. The Issuer has advanced and/or will advance its own funds to pay certain capital costs (the "Original Expenditures") relating to community college, school and library improvements and facilities and rights to additional water from Randleman Dam (the "Project").*

*3. The funds heretofore advanced or to be advanced by the Issuer to pay the Original Expenditures are or will be available only on a temporary basis, and do not consist of funds that were otherwise earmarked or intended to be used by the Issuer to permanently finance the Original Expenditures.*

4. As of the date hereof, the Issuer reasonably expects that it will reimburse itself for such Original Expenditures with the proceeds of debt to be incurred by the Issuer, and the maximum principal amount of debt to be issued with respect to the Project is expected to be \$55,000,000.

#### **Budget Amendment—Property Tax Refunds**

Will Massie said that the Tax Department has an account in its budget for property tax refunds to citizens who paid taxes for which they were not liable. These refund amounts are usually small and only \$18,825 was budgeted for the year. However, several large requests for refunds have been granted through September and the account is now empty. A refund to Unilever for adjustments to their equipment listing is \$19,249.30 and another \$20,751 is requested for other potential refunds during the remainder of the year. Accordingly, we request a budget increase of \$40,000 in refunds.

*On motion of Mason, seconded by Davis, the Board voted unanimously to approve Budget Amendment #11, as follows:*

<b>GENERAL FUND - #11</b>		
<b>Revenues</b>	<b>Increase</b>	<b>Decrease</b>
<i>Appropriated Fund Balance</i>	<i>\$ 40,000</i>	
<b>Appropriations</b>	<b>Increase</b>	
<i>Tax</i>	<i>\$ 40,000</i>	

#### **Budget Amendment #12—Wireless 911**

Will Massie said that for years, technology has been developing to identify the location of a cellular telephone user who makes an emergency 9-1-1 telephone call. Randolph County would like to contract with Sprint for additional telephone services to provide automatic location identification (ANI/ALI) features to help locate such a call. The location can be updated in the 9-1-1 system as the caller moves. The fee for this service will be \$1,133.30 per month. The cost in FY 2004-05, including a non-recurring charge of \$760, is \$13,227. The entire cost can be funded by the wireless surcharge revenues. Since this service was not budgeted in the original Emergency Telephone Fund for 2004-05, an amendment is necessary to add the cost to the Wireless budget.

*On motion of Kemp, seconded by Davis, the Board voted unanimously to approve Budget Amendment #12, as follows:*

<b>EMERGENCY TELEPHONE SYSTEM FUND - #12</b>		
<b>Revenues</b>	<b>Increase</b>	<b>Decrease</b>
<i>Appropriated Fund Balance</i>	<i>\$ 13,227</i>	
<b>Appropriations</b>	<b>Increase</b>	
<i>Wireless</i>	<i>\$ 13,227</i>	

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*At 5:50 p.m. the Board recessed until 6:30 p.m.*

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#### **Rezoning Public Hearing**

At 6:35 p.m. the Board adjourned to a duly advertised public hearing to consider rezoning requests. Hal Johnson, Planning & Zoning Director, presented the following requests, and Chairman Holmes opened the public hearing for comments on each request and closed it before taking action on each request.



1. **ERIC HEDRICK**, Trinity, North Carolina, is requesting that 33.02 acres located on Kennedy Road, Trinity Township, Lake Reese Watershed, be rezoned to allow an exclusive residential subdivision overlay. Tax ID#'s 7715341105 and 7715244851. Zoning District RA. The Conditional Use Zoning District would specifically allow a 21-lot conventional residential subdivision for site-built homes with a minimum house size of 1,500 sq. ft. Beverly & Benson Crotts - Property Owners. The Planning Board considered this request at public meeting on September 14, 2004, and recommended unanimously that this request be approved.

**Eric Hedrick**, applicant, 3246 Sumner Rd., said that he offered to sell Mr. Hunt Lot #20 at a reasonable price in order to increase the easement to Mr. Hunt's land but Mr. Hunt declined. He said that they have complied with all Mr. Hunt's requests. He also mentioned that a certain poplar tree would not be disturbed.

**Steve Schmidley**, attorney representing Charles Hunt, said that the Hunt family had farmed all of this property at one time. They had to sell part of the land due to illness expenses. He said that the narrow farm easement to the Hunt property is not big enough to allow Mr. Hunt any good use of his land. For all intents and purposes the Hunts would be land-locked. The proposed development would adversely affect Mr. Hunt's property. He said that a development of 21 new homes is not in accordance with the area or the County's growth management plan. He said that the Hunts are currently residents of Kentucky and the land is leased to the Terrells and used as pasture land. The Hunts are requesting that Mr. Hedrick grant them a 60-foot easement to their property.

**Eric Hedrick** spoke again saying that he would not deny the Hunts access but that they have known about their narrow easement since they purchased this land in 1996.

*On motion of Frye, seconded by Davis, the Board voted unanimously to approve the request of Eric Hedrick.*

2. **THOMAS ALLRED**, Franklinville, North Carolina, is requesting that 15.57 acres (out of 45.40 acres) located on the corner of Carl Allred Road/Tippett Road, Franklinville Township, be rezoned to allow a residential subdivision overlay. Tax ID# 7783083614. The Conditional Use Zoning District would specifically allow a 9-lot conventional residential subdivision along Tippett Road primarily for doublewide mobile home development and a 6-lot conventional residential subdivision along Carl Allred Road primarily for site-built homes. The Planning Board considered this request at public meeting on September 14, 2004, and recommended unanimously that this request be approved.

**Thomas Allred**, applicant, 2083 Carl Allred Rd., said that he wants to retire and live on this property. He said that he would add a 1300 sq. ft. minimum condition for house sizes.

*On motion of Kemp, seconded by Mason, the Board voted unanimously to approve the request of Thomas Allred, with the added condition of 1300 sq. ft. minimum house size.*

3. **GAIL MCDOWELL**, Asheboro, North Carolina, is requesting that .80 acres located at 3446 U.S. Hwy 64 East (across from Loflin Pond Road), Franklinville Township, be rezoned from Residential Agricultural to Highway Commercial/ Conditional Use. Tax ID# 7781090495. The Conditional Use Zoning District would specifically allow an existing residence to be used for an antique and home furnishings business. Tom & Kay Brady - Property Owners. The Planning Board considered this request at public meeting on September 14, 2004, and recommended unanimously that this request be approved.

**Gail McDowell**, 2577 Falling Oak Rd., spoke on behalf of Tom Brady. She said that they plan to rent the property from the Bradys to run an antiques and home furnishings business.

*On motion of Kemp, seconded by Davis, the Board voted unanimously to approve the request of Gail McDowell.*

4. **SCOTT NELSON**, Franklinville, North Carolina, is requesting the residential development known as Bella Estates Subdivision on Mamie May Road, 39.98 acres, Providence Township, be rezoned to allow off-frame modular homes. Tax ID #'s 7785660871, 7785664855, and 7785668717. The current Rural Lot Exclusive Overlay/Conditional Use Zoning District permits a 10-lot residential subdivision with the following restrictions: 1) site built homes only; 2) single-story home minimum house size 1,500 sq. ft.; 3) 2-story home minimum house size 1,800 sq. ft.; 4) existing mobile homes must be removed prior to development of subdivision; and 5) driveway connections to lots 1 and 10 must be on new road. The Planning Board considered this request at public meeting on September 14, 2004, and recommended unanimously that this request be denied. *(As a result of the Planning Board meeting, the applicant has amended his request and is no longer requesting on-frame modular homes.)*

**Scott Nelson**, applicant, 3561 Mamie May Rd., said that he realized that he had made a mistake in including on-frame homes in his original request. He should have included off-frame homes.

**Allen Love** said that he worded for a modular home supplier and he distributed pictures of off-frame homes to the Board and explained how off-frame homes are built. He spoke in support of Mr. Nelson's request.

**Matthew Wilson**, 5856 Old Oakridge Rd., distributed photographs of off-frame homes to the Board and spoke in support of Mr. Nelson's request.

**Kimberly Sides**, 1840 Quail Creek Dr., Franklinville, said that they have invested a lot of money already for their home being built in this subdivision. They thought that off-frame homes were okay for the development. Their closing date for their loan is October 11, 2004. She asked the Board to approve Mr. Nelson's request.

*On motion of Frye, seconded by Davis, the Board voted unanimously to approve the request of Scott Nelson.*

5. **HENRY DELK**, Denton, North Carolina, is requesting the Conditional Use Permit issued for a planned unit development consisting of retail sales and maintenance/industrial workshops located at the corner of U.S. Hwy 64 West/ Stutts Road, 9.49 acres, Cedar Grove Township, be amended to allow two (2) additional structures as per site plan. Light Industrial/Conditional Use Zoning District. Tax ID# 7731914306. The existing Conditional Use Permit requires that a 50' no-cut vegetative buffer be maintained along the southern and western property lines. The Planning Board considered this request at public meeting on September 14, 2004, and recommended unanimously that this request be approved.

**Henry Delk**, applicant, 5284 Henry Delk Rd., Denton, spoke in support of his request, stating that the buildings will be used for a warehouse and retail sales.

*On motion of Frye, seconded by Kemp, the Board voted unanimously to approve the request of Henry Delk.*

**Adjournment**

At 7:45 p.m., the Board adjourned.

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J. Harold Holmes, Chairman

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Darrell L. Frye

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Phil Kemp

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Robert B. Davis

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Robert O. Mason

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Cheryl A. Ivey, Deputy Clerk to the Board